

SILVERMAN | ATTORNEYS
& ASSOCIATES | AT LAW

Application granted.

March

The Clerk of the Court is respectfully directed to enter a final Judgment specifying the dismissal of this action as to all Defendants (County of Rockland, Heubeck, Police Chiefs' Association of Rockland County, Falco, Van Cura, Modica, O'Shea, Nulty, and the County of Rockland Sheriff's Department).

VIA ECF

Hon. Philip M. Halpern
United States District Court
Southern District of New York
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, New York 10601

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
March 4, 2021

Re: Francis Brooke v. County of Rockland, et al.
Docket No.: 17 CV 3166 (PMH)
Our File No.: 1020.085

Dear Judge Halpern

We represent a dismissed defendant, (former) Piermont Police Chief Michael O'Shea ("Chief O'Shea") in the above captioned matter. We are writing this letter on behalf of Chief O'Shea to respectfully request that a final Judgment be entered reflecting the dismissal of all claims against Chief O'Shea.

As your Honor is aware, during Judge Seibel's Oral Bench Ruling held on July 20, 2018, she granted Chief O'Shea's Motion to Dismiss in its entirety, along with the claims against co-defendants Spring Valley Police Chief, Paul Modica and Orangetown Police Chief, Kevin Nulty (collectively "the Chiefs"). Following that decision, we requested the entry of a separate Judgment pursuant to FRCP 54 (b) and 58(d) (Docket Entry No. 141), which Judge Seibel denied. (Docket Entry No. 143).


While certain of the Plaintiffs' claims against the County of Rockland, the Police Chief's Association of Rockland County, Director of the Rockland County Police Academy, Steven Heubeck, and Undersheriff, Robert Van Cura remained following the motion to dismiss decision, earlier today the Court granted their summary judgment motions and the Clerk of the Court issued a Judgment. The Judgment issued today, however, does not also reflect the prior dismissal of Chief O'Shea. We respectfully request, therefore, that the Court order the Clerk to issue a final Judgment reflecting the prior dismissal of Chief O'Shea (and the Chiefs).

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Thank you for your consideration of this matter.

Respectfully yours,

SILVERMAN & ASSOCIATES

A handwritten signature in black ink, appearing to read 'LRS', is written over the firm name.

Lewis R. Silverman

LRS/hj

cc: **Via ECF**

All Counsel of Record